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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re) Case No. 12-30143 DM
11) (Chapter 7)
12) A.P. No. 12-3148
13)
14) **OMNIBUS DECLARATION OF JOHN H.**
15) **MacCONAGHY RE: PLAINTIFF'S**
16) **EFFORTS TO MEET AND CONFER ON**
17) **MOTIONS IN LIMINE AND OTHER**
18) **EVIDENTIARY ISSUES**
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oJANINA M. HOSKINS, TRUSTEE IN) Trial Date: October 2, 2013
BANKRUPTCY OF THE ESTATE OF) Time: 9:30 a.m.
CARL ALEXANDER WESCOTT AND) San Francisco Courtroom 22 - Montali
MONETTE ROSEMARIE STEPHENS,)
Debtors.)

Plaintiff,)
v.)
CARL ALEXANDER WESCOTT AND)
MONETTE ROSEMARIE STEPHENS,)
Defendants.)

I, John H. MacConaghy, state:

1. I am an attorney admitted to the bar of this Court and am co-counsel of record for
Plaintiff Janina M. Hoskins, Trustee in Bankruptcy of the Estate of Carl Wescott and Monette
Stephens.

1 2. Many of the issues set forth in the concurrently filed Motions in Limine were first
2 raised in the Plaintiff-Trustee's "Objection to Pretrial Disclosures of Monette Stephens" filed on
3 September 17, 2013.

4 3. On September 20, 2013, I sent a further email to counsel for the Debtor offering
5 to "meet and confer" concerning the Plaintiff's evidentiary objections known at that time, On
6 September 24, 2013, the Debtor's counsel responded, and the same day I raised two other issues.
7 A correct copy of this email chain is attached to this Declaration and labeled Exhibit 1.

8 4. I received no further communication from Debtor's counsel on these issues.

9 5. The Plaintiff and the Debtor have been unable to resolve these evidentiary
10 disputes, thus necessitating the concurrently filed Motions in Limine.

11 6. Other issues have arisen concerning the Defendant's proposed evidence.

12 Pursuant to the Court's pretrial scheduling order the parties were directed to exchange actual
13 pre-marked exhibits no later than September 25. The Defendant's pre-marked exhibits were not
14 delivered to our office until September 26, a defect we waive. However, the documents in the
15 binder we did belatedly receive do not correspond to description of the documents listed on the
16 index and the Defendant's List of Exhibits. For example, what is labeled as "Exhibit DD" on the
17 index and Defendant's List of Exhibits is contained in the tab marked "Exhibit LL" in the binder
18 sent to us by Debtor's counsel. There are many other similar problems in the binder provided us.
19 Many of these are set forth in my email to Debtor's counsel attached hereto and labeled Exhibit
20 2.

21 7. For the reasons set forth in that email, the Trustee has been unable to intelligently
22 meet and confer as to the Defendant's proposed Exhibits W through MM. We will do so as soon
23 as we are provided with a clean binder and/or corrected list.

24 I declare under penalty of perjury that the foregoing is true and correct, that I have
25 personal first hand knowledge thereto, that if called as a witness I would testify competently
26 thereto, and that this declaration is executed on September 26, 2013 at Sonoma, California.

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/s/ John H. MacConaghy
John H. MacConaghy
Attorneys for Plaintiff